

the intermediate layer. This relationship where one peel strength is greater than another peel strength, is not taught nor suggested in the prior art. The prior art therefore fails to anticipate all of the features of the independent claims. The prior art therefore cannot cause the independent claims to be obvious.

The rejection uses the reference of Hutschenreuter to describe a tubular casing made by heat sealing a three layer film. The rejection states that Hutschenreuter fails to teach the control of interlayer peel strength. Applicant's review of Hutschenreuter, finds no disclosure of peel strength in a three layer film, and no suggestion or motivation which would lead a person of ordinary skill to consider peel strength between layers of a film.

A. / The rejection states that Brandt teaches multilayer packaging film having interlayer peel strengths. Applicant has reviewed Brandt, and finds that while Brandt does describe peel strengths, Brandt provides very little information as to where in a multilayer film the specific peel strength is located. Applicant does not find any indication in Brandt that the peel strength described in Brandt is an interlayer peel strength. From Applicant's review of Brandt, it appears that any peel strength described in Brandt, is with regard to a heat connection between films and not between layers of a film. It is Applicant's position that the peel strength described in Brandt is disclosed for the heat connection between two films, and not for the connection between layers of a film. Since the independent claims specifically sets forth the peel strength between layers of a film, the peel strength set forth in Brandt does not anticipate the peel strength set forth in the independent claims. The feature of the peel strength is therefore also not set forth in Brandt, and the combination of Hutschenreuter et al. and Brandt fails to anticipate all of the

features of the independent claims. The independent claims therefore cannot be obvious in view of Hutschenreuter et al. and Brandt.

Even if Brandt does disclose peel strength between layers of a film, Brandt does not disclose the specific relationship between two different peel strengths as set forth in the claims. It appears to Applicant that Brandt only describes a single peel strength. Applicant finds no teaching nor suggestion in Brandt of peel strengths between an intermediate layer and a first layer which is different than a peel strength between an intermediate layer and a second layer. Furthermore, Applicant finds no teaching nor suggestion in Brandt where a peel strength between a second layer and an intermediate layer is greater than a peel strength between an intermediate layer and a first layer. Therefore the independent claims further define over Brandt.

The rejection states that Hutschenreuter et al. teaches a tubular casing made by heat sealing. Applicant respectfully traverses this statement. Applicant's review of Hutschenreuter et al. finds that Hutschenreuter et al. leads away from heat sealing. Hutschenreuter et al. indicates, in column 1 lines 36 - 42, that high temperatures lead to an undesirable loss of water and to a permanent deterioration of the physical properties of the web material. Furthermore Hutschenreuter et al. describes in column 2 lines 58 - 62 that it is an object of Hutschenreuter et al. to provide a tubular casing which can be manufactured at normal ambient temperatures until the adhesive has dried. Hutschenreuter et al. is therefore concerned with an adhesive that operates at normal ambient temperatures and by drying out. This is not heat sealing, and actually leads a person away from heat sealing.

The rejection states that it would have been obvious to produce packaging films based on the three layer film of Hutschenreuter et al. having interlayer peel strengths of Brandt in order to make the films easy to open. Applicant notes that the materials used by Hutschenreuter et al. and by Brandt are much different. The peel strengths described in Brandt rely on the specific materials of the film. Hutschenreuter et al. does not describe these materials, nor does Hutschenreuter et al. describes materials which are similar to the materials of Brandt. The peel strengths of Brandt therefore could not be applied to the materials of Hutschenreuter et al.. The person of ordinary skill in the art could not make the materials of Hutschenreuter et al. have the peel strengths of Brandt, especially based on the teachings of Brandt. Therefore there is not a reasonable expectation of success to apply the teachings of Brandt to Hutschenreuter et al.. The independent claims therefore further define over the prior art.

Claims 3, 4, 8 and 9 have been rejected as being obvious over Hutschenreuter et al. and Brandt and further in view of Hutschenreuter et al. and Brandt. Based on the statements supporting the rejection, Applicant assumes that this rejection should be also based on the reference of Weiss. Applicant has reviewed Weiss, and finds that Weiss is also not related to the peel strength between layers of a film. Therefore even the combination of Hutschenreuter et al., Brandt and Weiss fail to anticipate all of the features of the independent claims.

The specific relationship between peel strengths of three layers in a film provides for an opening mechanism which is different from any opening mechanism in the prior art. By the present invention setting forth the specific relationship between peel strengths, an opening of

a casing occurs as shown in Fig. 4. Applicant notes that with such an opening mechanism, the present invention can have a very high connection strength for a heat sealing connection, such as 7 shown in Fig. 4. Applicant notes that the reference of Brandt specifically teaches away from such an opening mechanism and strong heat sealing connection, by indicating that a heat seal is to have a low peel strength. It is only the present invention which has discovered that a heat sealing connection with a high strength can be used in a tubular casing, and the tubular casing can still be opened relatively easily. The present invention is an improvement over the prior art, and Applicant respectfully requests patent protection for this improvement.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
for Applicant,

By: 

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Enclosed: Marked-Up Version of Claim 1

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MARKED-UP VERSION OF CLAIM 1

1. (Amended) An easy-to-open tubular sealed casing for packaging a content therein, the casing comprising:

a base film comprising a composite plastic film with at least three film layers including an outer layer film which forms an outer surface when the composite plastic film is formed into a tubular form, an intermediate layer film which forms an intermediate layer and an inner layer film, said composite plastic film being formed into a tubular form by bending said base film ~~and~~, overlaying two edges of said base film and heat-sealing the overlaid section so that a not heat-sealed section will be left along an edge of the outer film, a peel strength between said outer layer film and said intermediate layer film being set to a lower level as compared to a peel strength between said inner layer film and said intermediate layer film.